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9
10 UNITED STATES DISTRICT COURT
11
12 NORTHERN DISTRICT OF CALIFORNIA
13
14 SAN FRANCISCO DIVISION

15 UNITED STATES OF AMERICA,) No. CR-05-00118-MMC
16 Plaintiff,)
17 Vs.) STIPULATION AND [PROPOSED]
18 JUAN ALFREDO BERMUDEZ and) ORDER CONTINUING COURT DATE
19 JOSE JAIME CARDENAS,) Honorable Maxine M. Chesney
20 Defendants.)
21) Excludable Time: 18 USC 3161
22)
23)
24)
25)
26)

18 Defendants Juan Alfredo Bermudez and Jose Jaime Cardenas by and through their
19 respective attorneys, Steven F. Gruel and Claire Leary, and the United States of America, by and
20 through its attorney, C. David Hall Assistant United States Attorney, hereby stipulate and
21 respectfully request that the hearing date currently scheduled for January 30, 2009 should be
22 continued to May 27, 2009 at 2:30 p.m.

23 The parties stipulate that good cause and excludable time under the Speedy Trial Act Pretrial
24 justify and permit the continuance to May 27, 2009. Specifically, the parties are still discussing
25 a resolution in this case which also entails discussions pertaining to the immigration

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1 consequences for each defendant. Moreover, counsels' trial schedules require a continuance to
2 the May 27, 2009 date. Time under the Speedy Trial Act has previously been excluded to the
3 January 30, 2009 date and this finding of excludable time should continue to May 27, 2009 in
4 that the ends of justice are best served by such continuance so that continuity of counsel can be
5 maintained and such continuity outweigh the best interests of the public and defendant in as
6 speedy trial. *See* 18 U.S.C. Section 3161.

7 SO STIPULATED:

8 DATED: 1/28/09

9 /s/
10 STEVEN F. GRUEL
11 Attorney for Juan Alfredo Bermudez

12 DATED: 1/28/09

13 /s/
14 CLAIRE LEARY
15 Attorney for Jose Jaime Cardenas

16 DATED: 1/28/09

17 /s/
18 DAVID HALL
19 Assistant United States Attorney

20 **[PROPOSED] ORDER**

21 PREDICATED on the above stipulation and GOOD CAUSE APPEARING, the
22 hearing date of January 30, 2009 at 2:00 p.m. is hereby continued to May 27, 2009 at 2:30 p.m.

23 FURTHER, as stipulated by the parties, the Court finds that the time from January 30, 2009
24 to May 27, 2009 shall and hereby does constitute excludable time under the Speedy Trial Act in
25 accordance with 18 USC 3161(h)(8)(A).

26 IT IS SO ORDERED.

Dated: January 29, 2009


24 HONORABLE MAXINE M. CHESNEY
25 United States District Court Judge

26 *STIPULATION AND [PROPOSED] ORDER CONTINUING COURT DATE*